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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 EDDIE LOUIS SMITH, III,
11 Plaintiff,

12 v.

13 BELINDA D. STEWART, *et al.*,
14 Defendants.

CASE NO. 3:19-cv-5096-BHS-JRC

ORDER DIRECTING
DEFENDANTS TO PROVIDE
ADDRESS UNDER SEAL AND
DENYING DEFAULT MOTION

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16 The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States
17 Magistrate Judge J. Richard Creatura. *See* Dkt. 2. Plaintiff is proceeding *pro se* and *in forma*
18 *pauperis*. *See* Dkt. 4.

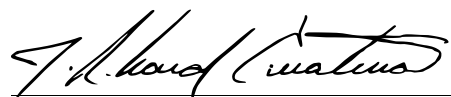
19 On March 4, 2019, the undersigned ordered service of the second amended complaint on
20 the named defendants, including defendant Joby Taylor, by email. Dkt. 6. Defendant Taylor
21 failed to return a waiver of service by the April 11, 2019 deadline. *See* Dkt. The undersigned
22 then ordered defendant Taylor to show cause why he or she should not be personally served at
23 his or her own expense. *See* Dkt. 35. Defendant Taylor has failed to respond to the show cause
24 order, despite that the time in which to do so has expired, and no attorney has appeared in this

1 matter to represent defendant Taylor. *See* Dkt. Plaintiff has requested that the Court enter
2 defendant Taylor's default. *See* Dkt. 44.

3 At this stage, it appears that defendant Taylor has not yet been properly served, so that
4 this Court lacks jurisdiction over defendant Taylor and cannot enter his or her default. *See*
5 *Travelers Cas. & Sur. Co. of Am. v. Brenneke*, 551 F.3d 1132, 1135 (9th Cir. 2009). Moreover,
6 although this Court may order personal service on defendant Taylor by a United States marshal
7 (*see* Fed. R. Civ. P. 4(c)(2)), this Court will not attempt personal service unless mail service is
8 unavailing. *See* Local Civil Rule 4(c).

9 Therefore, plaintiff's "motion for default" (Dkt. 44) is **DENIED WITHOUT**
10 **PREJUDICE**. If the named defendants are in possession of the last known business or
11 residential address of defendant Joby Taylor, defendants are ordered to submit such address(es)
12 to the Court **under seal on or before May 31, 2019** so that the Clerk may attempt to effect
13 service by mail. This solution alleviates two concerns involving prisoner litigation: (1) the
14 security risks inherent in providing prisoners with addresses of people formerly employed by the
15 state, and (2) the reality of prisoners getting the "runaround" when they are attempting to access
16 information through the government. *See Sellers v. United States*, 902 F.2d 598, 602–603 (7th
17 Cir. 1990). Defendant Taylor may also satisfy this order by filing a waiver and by having
18 counsel enter a notice of appearance on his or her behalf. All service documents with said
19 address(es) shall also be filed under seal.

20 Dated this 14th day of May, 2019.

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23 J. Richard Creatura
24 United States Magistrate Judge